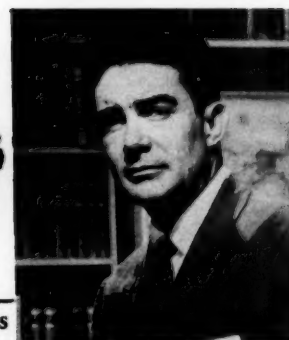


# THE *Dan Smoot Report*



DAN SMOOT

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Dallas, Texas

## A Yank Named Yankus

In 1940, Stanley Yankus, Jr. — then aged 21 — left a clerk's job in Chicago to make his living and his life on the farm. Son of a Lithuanian immigrant who came to America looking for freedom, Stanley Yankus has an inordinate love for the great principles of individual freedom written into the Declaration of Independence and the Constitution of the United States. And he has an understanding of those great documents which should shame every one of America's Supreme Court Justices, all officials in the executive branch of the federal government, and 99% of all Congressmen and Senators of the United States.

Yankus has never asked for any handouts from government — and wouldn't accept any that were offered. With the help of his wife — and later, of his two sons — he built his little piece of land (in Pokagon Township, near Dowagiac, Michigan) into a prosperous poultry farm.

He grows wheat, oats, and barley on about 100 acres; but he doesn't market the grain: he feeds it to his chickens.

By 1954, Yankus was producing 53,000 dozen eggs a year. He was the largest, most dependable producer in Cass County, Michigan.

In 1954, the Agricultural Stabilization Committee notified Yankus that he had been fined \$900 for growing 38 acres of wheat instead of the 12 acres to which the ASC quota had limited him. The quota had been imposed on him as a result of a Wheat Referendum in which the farmers of Cass County had voted for acreage controls and subsidies. Yankus had not been eligible to vote in the Referendum, because the ASC had disqualified him by assigning him a 12-acre allotment; and a farmer had to have at least a 15-acre allotment to qualify as a voter.

The \$900 fine imposed on Yankus in 1954 would have wiped out his entire profits for that year. But he didn't pay the fine. He went about his chicken business, ignoring the Agri-

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cultural Stabilization Committee's acreage allotments and fines each year.

By the end of 1957, accumulated fines and penalties totaled \$3,848 — which was about \$400 more than Yankus and his wife had in their joint checking account at the bank in Dowagiac.

Then the naked power of government was unsheathed to show Stanley Yankus and others like him that they are criminals in contemporary America if they try to live and work as proud, free men.

George Melloan, reporter for the *Wall Street Journal*, after an on-the-spot investigation, had this to say about Stanley Yankus, Jr. (*Wall Street Journal*, July 14, 1958):

*"The only thing necessary for the triumph of evil is that good men do nothing."*

Stanley Yankus, Jr., a surprisingly eloquent 39-year-old poultry farmer, quoted these Edmund Burke lines recently in a letter to United States District Attorney Wendell A. Miles at Grand Rapids. Mr. Miles is employing legal action against Mr. Yankus to collect some Federal fines. For what offense against the United States? For planting too much wheat on his farm. . . .

*Ever since wheat farmers voted for penalties in 1954, Mr. Yankus has refused to recognize restriction on the wheat acreage he plants to raise chicken feed. He doesn't sell wheat, so efforts to support the market are no concern of his, he insists. . . . his overplanting fines have mounted to \$3,848. After two years of trying gentle persuasion, Mr. Miles . . . this spring brought force to bear.*

*In April, an F. B. I. agent visited egg buyer Sam Daken in Benton Harbor and quickly determined the income Mr. Yankus derives from his eggs. Mr. Daken, who regards Mr. Yankus as one of his most conscientious suppliers, was reluctant but opened his books to the agent. "I was impressed by the badge," he says. "I'd seen it on TV." A request that he not tell Mr. Yankus about the visit "sounded like an ultimatum," Mr. Daken said.*

*Another visit, to Executive Vice President Max Pugsley of the Dowagiac National Bank, apprised the Government of Mr. Yankus's checking account. "I don't like that sort of thing, but if you tried to stop them you'd be in a mess all of the time," says Mr. Pugsley.*

*The Washington operative also paid a call on a reporter for the Dowagiac Daily News and asked a few cryptic questions about Mr. Yankus' past.*

*On April 24, Mr. Yankus' checking account was frozen by a Federal court order. Several weeks ago, a court judgment gave the Government Mr. Yankus' half of the joint account, or \$1,701. Advised by an attorney that he probably could not get a jury trial or win his case, Mr. Yankus did not contest the Government action.*

*He has since been forced to sell 1,100 of his flock of 6000 chickens to get working capital, reducing his egg income by about 20%. Plans for a new feed room and repairs to the barn and chicken coops have been abandoned.*

*That this could happen to "Stanley," who is friendly, open, and well-liked, perplexes his neighbors in this southwest Michigan farming area. "People tell me on the street that 'they can't do that to you,' even though they've already done it," he says. . . .*

*About \$80 has come to him from well-wishers, \$50 from a farmer-schoolteacher in another town. . . .*

*An impassioned local businessman, veteran of World War II's D-Day, declares: "Stanley has a right to live. He's not waxing rich. His wife and kids have to work gathering, sorting and candling eggs. Why does the Government do this to him?"*

The \$3848.00, for which the government seized Yankus' bank account — and threatens, indeed, to seize his farm and all the rest of his property — was the accumulation of fines and penalties for 1954, 1955, 1956, and 1957.

On July 18, 1958, Stanley Yankus received a letter from the Agricultural Stabilization Committee saying that he had been fined an additional \$713.95 for his 1958 wheat — which Yankus hadn't even harvested.

Clinging stubbornly to his belief that the Constitution guarantees his God-given right to mind his own business as a free man, Yankus says:

*It's stealing — nothing more than stealing. But here's something that worries me even more. I learned that an FBI agent had been over asking my egg buyer in Benton Harbor a lot of questions about me. The awe that people have of the FBI makes that very damaging to me. People get leery of doing business with a man if they think it will bring the FBI down on them.*

You see, they are getting afraid of their own government.

My neighbors think this whole thing is ridiculous and wrong, but they have gone along with it, either because they are afraid of the government and don't want to stick their necks out, or because they don't care where the money for their wheat comes from.

I'm frightened too, but not for myself. I'm frightened for this country I love. What happened to me is the action of a police state — the sort of life we were brought up to detest.

If I don't stand up and fight, I'll be helping to lose all our American freedoms; and a lot of them are already gone.

My wife has asked me to go along and be sensible in order to save our chicken farm; but I just cannot. I don't want my kids to grow up in a world where they are going to be shipped around like pigs.

Maybe I'm stubborn, but I've read enough history to know that the men who wrote the Declaration of Independence were stubborn too. There were a lot of "sensible" people in those days who didn't want to stick their necks out; and who wanted to go along with the British and be reasonable and avoid trouble.

But the stubborn men who wrote the Declaration of Independence — the men who came to be known as the greatest statesmen of all times — wouldn't accept the British government just because it was the government. They wanted a voice in it.

I know I'd be "better off" if I went along. Now the government fines me for just trying to make a living for myself and my family. If I'd go along, the government would pay me for not growing wheat. I read recently where President Eisenhower's farm earned \$2,000 for not raising crops.

But I'm fighting for principle, and I'm not going to give up. I don't have money for legal defense; and, besides, the federal courts have been refusing to follow the Constitution in cases like mine. Money is secondary anyway. If we lose our freedom, the money won't mean anything.

I don't want sympathy. I can find that in the dictionary. I'm just trying to get more Americans to help in this fight to save freedom.

\* \* \* \* \*

## The Stangland Case

In 1954, Ethan Stangland planted 30 acres of wheat on his little farm, rural route 2, Albion, Indiana. He had not voted in any Wheat

Referendum, had not applied for or accepted any government subsidies or price supports, and had not even been given an acreage allotment.

But the Agricultural Stabilization Committee, after the fact, decided that Stangland should have planted only 14 acres. By a complex mathematical formula, the ASC fined Stangland \$394.24 for growing "excess wheat" on 16 acres.

Stangland did not market the wheat. He fed it to cattle on his own farm. The specific charges against him were that he failed to sell his excess wheat to the government.

Stangland ignored repeated threats. In May, 1955, the Department of Justice filed suit against him in Federal District Court. Farmers cannot go into the federal courts to get relief from the arbitrary fines imposed by the Department of Agriculture, but the Department can go into federal court to collect fines from the farmers.

Stangland asked for a jury trial, which was denied. On February 14, 1956, Judge Luther M. Swygert, Federal District Court at Fort Wayne, Indiana, in a summary judgment which denied Stangland a trial by jury or any other relief in the courts, ordered Stangland to pay the \$394.24 fine.

An Appellate Court upheld Judge Swygert.

Stangland never did pay. The government kept dunning him and warning him — and adding 6% interest to the fine.

A United States Marshall attached Stangland's bank account, but the account had only \$9.00 in it.

By June, 1958, the \$394.24 fine assessed against Stangland had grown (with interest and court costs) to \$489.09.

The early spring of 1958 was wet in the midwest. Crops were late. When the rains finally stopped, farmers were hard pressed to get their crops made in time to harvest them.

The federal government waited until Stangland had his hay on the ground where it would rot if he couldn't take it up, and until



his corn and bean crops badly needed plowing.

On June 26, 1958, government agents showed up at Stangland's farm and hauled away both of his tractors — leaving him helpless to save his crops and run his farm, unless he could borrow equipment from neighbors.

One of the tractors — almost new — was valued at more than enough to pay the total amount of the government's judgment. The other tractor — very old — was worthless for resale, worthless as something for the government to auction off. But Stangland could have used it. It would have enabled him to save his crops.

The government agents took *both* tractors and stored them, at Stangland's expense, in Fort Wayne.

**W**hen asked why they took both tractors, when the new one was obviously worth more than enough to settle the government's claim, government officials would not answer.

The answer is no doubt to be found in the fact that Ethan Stangland, a 56-year-old independent American of proud and sturdy character, had become President of the Independent Farmers of Indiana and chairman of the National Council of Farmers for America. He is becoming a real thorn in the side of bureaucrats. They intend to put him out of business and destroy his influence — frighten into quiet submission all who may have been inspired and encouraged by his example.

**Ethan Stangland says:**

*This is not a question of money. It involves a principle on which I feel deeply — a man's constitutional right to run his own farm, mind his own business, and earn an honest living.*

*I could pay the judgment, but to do so would be to betray my conviction that Americans must assert themselves if they are to stop the spread of socialism and the loss of freedom.*

*I want to protect the freedom our ancestors shed blood to get for us, before our grandchildren have to shed their blood to recover it. I have five grandchildren.*

*Before I moved onto my present property, I received checks from the government — for doing things that any self-respecting farmer has to do*

*anyway to keep his farm in shape and producing. I always returned the checks.*

*When the federal farm employees used to come around asking me to get in certain programs and benefit from the handouts of tax-money, I gave them all the same standard answer:*

*"Go on down the road."*

**Mr. Stangland's son, Robert E. Stangland,** a bank employee in Churubusco, Indiana, says:

*The Government, in its prosecution of this case, dared not allow the decision to rest with a jury. They dared not allow Mr. Stangland the right to testify on his own behalf and to call witnesses. Nor did they dare call their own witnesses and grant him the right of cross-examination. . . .*

*The wheat in question was not involved in interstate commerce. In reality, the wheat was not even involved in commerce. Yet the government, in order to circumvent the right of trial by jury, and even to prosecute in the beginning, had to state that he was engaged in interstate commerce.*

*They had to say, in effect, that white is black; that whether or not the wheat was involved in interstate commerce, it could have been, and thereby posed a threat to the market.*

*The actual court ruling reads in part:*

*"the point of emphasis was on the economic effect of such intrastate activity on interstate commerce."*

*Mind you, the wheat never left the farm!*

*This is how a man was declared guilty by court decree for something he didn't do!*

*The undeniable and irrevocable fact remains that Mr. Stangland was denied a trial by jury. . . .*

*Mr. Stangland has chosen not to become a parasite to the taxpayer through government subsidies. It has been demonstrated to us all what fantastic steps will be taken to force an individual to become such a parasite.*

\* \* \* \* \*

## Whiteleather Case

**Dr. P. Scott Whiteleather,** physician who lives and practices in Minerva, Ohio, has a 150 acre farm which he runs as a sideline.

Having refused all subsidies and other government "benefits," Dr. Whiteleather paid no attention to wheat acreage allotments assigned him by the Agricultural Stabilization Committee. In 1954, the ASC fined him \$420 for more wheat acreage than his allotment. He didn't pay. He planted wheat as usual in 1955,

and the ASC ignored him; but in 1956, the government agency fined him \$115.56 for overplanting.

By March, 1958, Dr. Whiteleather owed a total of \$608.56 — fines plus costs and interest.

On March 14, 1958, the United States Marshall drove down from Cleveland and seized the doctor's car, parked outside his office. The car was stored in Cleveland, at the doctor's expense, to be auctioned off to satisfy the government's claim.

At about this same time, the Agricultural Stabilization Committee notified Dr. Whiteleather that federal agents would come onto his farm on April 1 and survey his wheat fields, in order to determine how much he was to be fined for his 1957 fall planting of wheat.

Dr. Whiteleather politely notified the ASC that his farm was private property and that it was posted against trespass by federal employees. Dr. Whiteleather said that if the federal agents came without an official search warrant, he would not let them on his place.

The federal agents showed up, without search warrant, on April 1. But 215 of Dr. Whiteleather's farmer friends and neighbors had arrived first. They were milling around carrying placards which revealed in large letters what they think of the "Wheat Police" in particular and about the whole government program for socializing American agriculture in general.

The federal agents didn't even get out of the car.

But they didn't go get a search warrant. They had no legal grounds for a search warrant. They merely went into federal court and obtained a court injunction, enjoining Dr. Whiteleather and others from interfering with their trespass on Dr. Whiteleather's farm!

If Dr. Whiteleather and his friends had tried to keep the federal agents off the farm after the issuance of this injunction, they

could have been put in jail, without a trial, for contempt of court.

They didn't interfere, and the federal agents made their trespass upon and survey of Dr. Whiteleather's farm — in defiance of the Bill of Rights which guarantees American citizens against illegal entry and searches without warrant.

Dr. Whiteleather made no effort to redeem the automobile the government took away from him. In fact, he suggested that the Department of Agriculture just take over his farm and run it; but said that he would not compromise his principles by paying the ASC fines and going along with its programs.

Dr. Whiteleather said:

*They can take my car, and they can take my farm, but they can't run my business.*

The stern measures against Dr. Whiteleather may be explained by the fact that he is President of the Independent Farmers of Ohio.

## Administrative Tyranny

Separation of the powers of government is a basic principle of the American constitutional system. The Constitution separated the federal establishment into three branches — executive, legislative, judicial — giving each a check on the other and prohibiting each from encroachment upon the authority of another.

In the execution of law upon citizens in an organized society, this principle of separation of powers is far more ancient than the Constitution. Even the old English system — which American colonists rebelled against because they thought it tyrannical — distinguished between the functions of the police, of the prosecutor, and of the judge.

The Agricultural Adjustment Act of 1938 (as amended) eliminates this principle of separation of powers, so essential to freedom, and sets up the principle of Administrative Law which is as autocratic as anything ever con-

ceived of by the nazis or the communists.

The Act makes the Secretary of Agriculture a czar of agriculture. The Secretary and his underlings have a wide and vague grant of power to make whatever rules and regulations they may deem necessary to carry out the purposes of the Act. Their rules and regulations have the force of law; and the bureaucrats can change the "law" any time they wish, without consulting anyone. All they have to do is promulgate a new rule or regulation and publish it in the *Federal Register*. It then is a binding law.

The citizens who are bound by this "law" frequently cannot find out what it is. The *Federal Register* is almost impossible to obtain — unless you have access to a large library or can afford \$20 a year for a subscription. If you could afford to subscribe, it is doubtful that you could understand the Administrative Law (the bureaucratic rules and regulations) published in the *Register*, unless you are a trained and experienced lawyer. Even if you had the money to subscribe to the *Register* and the necessary training to understand it, you would have to spend practically all of your time reading the thing just to keep up with the thousands of new and changed "laws" which the bureaucrats spend all of their time writing.

The complexity of Administrative Law which fills the *Federal Register* is so vast and senseless and contradictory that the bureaucrats themselves don't know what the latest law is.

This is the body of "law" which (superimposed on the normal complex of law) controls the farming operations of Americans.

What happens when a farmer runs afoul of one of these "laws"? The bureaucrats who made the "law" are the ones who bring the charges. They investigate their own charges. They make determinations of guilt or innocence (frequently without even letting the

accused know that he has been accused) and they arbitrarily assess penalties.

The case of Evetts Haley, Jr. is merely one of hundreds of perfect illustrations.

The Agricultural Stabilization Committee of Stillwater, Oklahoma, arbitrarily decided that Haley had grown more wheat than he should have grown. The ASC "investigated" (presumably), decided that Haley was guilty, and assessed a fine of \$506.11 against him. Haley took a load of his wheat into town one day to sell it on the "free" market and discovered that he couldn't sell it because he had no Wheat Marketing Card.

When he went to the ASC office to find out about the card, he discovered that he had been accused, investigated, tried, found guilty and fined for growing too much wheat.

What if the wheat farmer thinks he has been unjustly treated and wants to appeal this arbitrary decision of bureaucrats? The only people he can appeal to are the bureaucrats who made the decision. Hundreds of farmers have tried to appeal to the regular courts. The federal courts say that the Agricultural Adjustment Act gives the Department of Agriculture authority to make the rules, to determine violations, and to assess penalties. All that the court will do is to determine (usually in about 15 minutes) that the Department of Agriculture agency has followed its own rules.

Numerous farmers have tried to test the constitutionality of the Agricultural Adjustment Act. When the Department of Agriculture assesses a penalty against them for violating some Department of Agriculture regulation, such farmers admit that they did not obey the regulations; they ignored the bureaucrats' acreage allotments because they regarded themselves as free men; they owned their land and felt that they should be free to farm it; they accepted no handouts from



government — hence they felt that government had no right to tell them how to farm.

In every such case that has been heard to date (and there have been hundreds) the courts have denied the farmers the right to test the constitutionality of the law which governs their lives. The federal judges merely say that the Agricultural Adjustment Act is the "law of the land" and that farmers are bound by it.

In one such case at Toledo, Ohio, in January, 1956, Federal Judge Frank L. Kloebe (much irritated because so many farmers were coming into his court trying to test the constitutionality of the AAA) said that the farmers' efforts were "preposterous" and that he was going to start "handing out stiff sentences" to farmers who tried to question the validity of the law. The judge said that the AAA is the law of the land and that he would refuse "absolutely to go into the question of constitutionality."

The Evetts Haley, Jr. case may turn out to be the first exception. Whereas other Federal Courts have consistently dismissed farmers' wheat penalty cases, throwing the farmers back on the tender mercies of the bureaucrats who assessed the penalties in the first place,

the Federal District Court for the Northern Division of Texas (Judge T. Whitfield Davidson, Dallas) has arranged to give young Haley his day in court.

The Haley case is now set for trial in Judge Davidson's court, without a jury, for September 8, 1958.

## The Referendum

The Agricultural Adjustment Act of 1938 (as amended) provides for referendum voting. If two-thirds of all farmers voting want compulsory controls of a particular crop, all farmers planting that crop are subject to the controls — which have the force and penalties of law.

Every year when the Department of Agriculture conducts a Wheat Referendum, or some other crop referendum, official reports of the total vote show that from 70% to 90% of the farmers favor the compulsory crop controls and subsidies.

Thus, the general public is led to believe that the farm programs must be helping farmers, because an overwhelming majority of farmers want them.

If 2/3 of the farmers vote for something they think good for the farm economy,

## WHO IS DAN SMOOT?

Dan Smoot was born in Missouri. Reared in Texas, he attended SMU in Dallas, taking BA and MA degrees from that university in 1938 and 1940.

In 1941, he joined the faculty at Harvard as a Teaching Fellow in English, doing graduate work for the degree of Doctor of Philosophy in the field of American Civilization.

In 1942, he took leave of absence from Harvard in order to join the FBI. At the close of the war, he stayed in the FBI, rather than return to Harvard.

He served as an FBI Agent in all parts of the nation, handling all kinds of assignments. But for three and a half years, he worked exclusively on communist investigations in the industrial midwest. For two years following that, he was on FBI headquarters staff in Washington, as an Administrative Assistant to J. Edgar Hoover.

After nine and a half years in the FBI, Smoot resigned to help start the Facts Forum movement in Dallas. As the radio and television commentator for Facts Forum, Smoot, for almost four years spoke to a national audience giving both sides of great controversial issues.

In July, 1955, he resigned and started his own independent program, in order to give only one side — the side that uses fundamental American principles as a yardstick for measuring all important issues. Smoot now has no support from, or connections with, any other person or organization. His program is financed entirely from sales of his weekly publication, *The Dan Smoot Report*.

If you believe that Dan Smoot is providing effective tools for those who want to think and talk and write on the side of freedom, you can help immensely by subscribing, and encouraging others to subscribe, to *The Dan Smoot Report*.

shouldn't the other 1/3 be bound by the expressed desires of the majority?

Actually, this referendum principle written into AAA violates a basic premise of American constitutional government—namely, that the rule of the majority is limited by inalienable rights of individuals.

The referendum — on its face — gives one class of Americans (farmers) the privilege of voting, for themselves, subsidies that are to be paid by all taxpayers. Truckdrivers, businessmen, doctors, lawyers, elevator operators — the majority of American taxpayers who live in cities — don't have a vote on the question of whether their money should be taken to pay subsidies to farmers.

And, when you get right down to it, most of the real farmers themselves don't have a vote.

The Department of Agriculture has absolute power to set the dates of the referendum, determine all the rules, officiate at the elections, count the vote, and decide who is eligible to vote.

In the Wheat Referendum, the Department of Agriculture arbitrarily decides that farmers with wheat allotments of less than 15 acres cannot vote. By this means, about 2/3 of all farmers east of the Mississippi River are denied

a vote in the Wheat Referendum. A small minority of large western wheat growers — many of which are big city syndicates, or tax-exempt co-operatives, or absentee-owned company farms — have most of the votes in a wheat referendum.

In the Wheat Referendums held in 1957, "farmers in 36 wheat growing states voted overwhelmingly to support the federal program of acreage allotments and marketing quotas" — according to press releases handed out by the Department of Agriculture.

Just what kind of choice did the farmers have in that referendum? By voting "yes" in the referendum, they got federal price supports of \$1.78 a bushel for their wheat. If they had voted "no" — their only other choice — they would have been voting for federal price supports of \$1.18 a bushel.

With most of the small, independent family-type farmers ruled ineligible to vote; with there being no possibility for farmers who believe in freedom and American principles to vote for what they believed in; with the only choice being to vote for \$1.78 wheat or \$1.18 wheat — is it surprising that most of the nation's farmers refused to participate in this Soviet-type wheat referendum — whose results, nonetheless, became binding on all farmers?

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If you do not keep a permanent file of *The Dan Smoot Report*, please mail this copy to a friend who is interested in sound government.

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